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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,109	01/07/2004	Masaki Yamazaki	HGM-123-A	2755
21828	7590	09/30/2004	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES			KWOK, HELEN C	
24101 NOVI ROAD			ART UNIT	
SUITE 100			PAPER NUMBER	
NOVI, MI 48375			2856	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

my

Office Action Summary

Application No.

10/753,109

Applicant(s)

YAMAZAKI ET AL.

Examiner

Helen C. Kwok

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1-8 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, line 2, the word – a – should be inserted before the word “2WD”. In line 2, the word – a – should be inserted before the word “4WD”. In line 4, the phrase “the rotational speed” should be changed to – a rotational speed --. In line 6, the word – an – should be inserted before the word “output”. In line 20, the word – an – should be inserted before the word “input”.

In claim 4, line 2, the word – a – should be inserted before the word “2WD”. In line 2, the word – a – should be inserted before the word “4WD”. In line 7, the phrase “the rotational speed” should be changed to – a rotational speed --. In line 10, the word – an – should be inserted before the word “output”.

In claim 5, line 2, the word – an – should be inserted before the word “input”.

In claim 7, line 2, the word – a – should be inserted before the word “2WD”. In line 2, the word – a – should be inserted before the word “4WD”. In line 5, the word – the – should be inserted before the word “2WD”. In line 5, the word – the – should be inserted before the word “4WD”.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the phrase "the wheels" lacks antecedent basis.

In claim 8, the phrase "the wheels" lacks antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,466,855 (Yamaguchi) in view of U.S. Patent 6,526,367 (Yamamoto et al.).

With regards to claims 1-3, Yamaguchi discloses a vehicle speed apparatus comprising, as illustrated in Figures 1-2, wheel rotational sensors 52FL, 52FR, 52RL, 52RR for detecting rotational speed of at least one wheel of a vehicle; a vehicle speed calculator 50 for calculating the vehicle speed based on an output from the rotational sensor; a drive mode sensor 18 for detecting whether the vehicle is traveling in a 2WD

mode or in a 4WD mode by a the position of the switch 26 wherein the vehicle speed calculator includes a first vehicle speed calculating unit for calculating the vehicle speed based on the output from the wheel rotational speed sensor and a first predetermined condition and a second vehicle speed calculating unit for calculating the vehicle speed based on the output from the wheel rotational speed sensor and a second predetermined condition. (See, column 4, line 1 to column 9, line 43). The only difference between the prior art and the claimed invention is a speed display mechanism for displaying the vehicle speed calculated by the vehicle speed calculator. Yamamoto et al. discloses a wheel speed detecting apparatus comprising, as illustrated in Figures 1-2, a display for displaying vehicle speed calculated from rotational speed of wheels of a vehicle measured by wheel rotational sensors 10, 10x, 10y, 10z. (See, column 2, lines 6-67). It would have been obvious to a person of ordinary skills in the art at the time of invention to have readily recognize the advantages and desirability of employing a display as suggested by Yamamoto et al. to the apparatus of Yamaguchi to provide a visual output to the operator the vehicle speed computed from the wheel speeds and other information that can be useful to the operation of the vehicle onto the display. (See, column 2, lines 39-44 of Yamamoto et al.).

With regards to claims 4-8, the claims are commensurate in scope with claims 1-3 and are rejected for the same reasons as set forth above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to

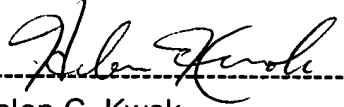
applicant's disclosure.

The references cited are related to vehicle having two wheel drive mode and four wheel drive mode.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Helen C. Kwok
Art Unit 2856

hck
September 28, 2004